

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

_____)	
SINGAPORE ASAHI CHEMICAL &)	
SOLDER INDUSTRIES PTE LTD.,)	
)	CASE NO. 1:18-CV-01662-DCN
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
vs.)	
)	
APPLE INC.,)	
)	
Defendant.)	
_____)	

STIPULATION AND ORDER TO STAY THE CASE PENDING RESOLUTION OF
INTER PARTES REVIEW

WHEREAS, Plaintiff Singapore Asahi Chemical & Solder Industries PTE Ltd (“Asahi”) filed this lawsuit asserting a claim against Apple, Inc. (“Apple”), for the alleged infringement of U.S. Patent No. 6,176,947 (“the ’947 Patent”);

WHEREAS, on November 30, 2018, Apple filed a Petition for *Inter Partes Review* of the asserted claim of the ’947 Patent (IPR2019-00377) (Doc. No. 40, Ex. A – “IPR petition”) before the Patent Trial and Appeal Board (the “PTAB”);

WHEREAS, Apple’s IPR petition is currently pending before the PTAB and the PTAB is expected to issue a decision on institution by May of 2019;

WHEREAS, on December 7, 2018, Apple filed a Motion to Stay Pending *Inter Partes Review* of the Patent-in-Suit (the “Motion to Stay”) (Doc. No. 40);

WHEREAS, the deadline for filing Asahi’s opposition to the Motion to Stay is December 21, 2018;

WHEREAS, in lieu of filing an opposition, Asahi has agreed to stay this case while simultaneously preserving all of its rights, claims, and defenses in this case and without acquiescing in any of Apple's representations, arguments or positions in the Motion to Stay, or otherwise conceding in the merits of Apple's IPR petition;

WHEREAS, Asahi disagrees with Apple on the merits of the IPR petition and intends to strongly oppose institution based on the grounds raised in the IPR petition;

WHEREAS, Apple is confident on the merits of its IPR petition and believes the IPR will be instituted and will conclusively resolve this lawsuit due to the invalidity of the '947 patent;

WHEREAS, the parties anticipate expending substantial resources on this lawsuit during pendency of the IPR, including over the course of the next several months;

WHEREAS, the scope of this lawsuit will be substantially simplified or streamlined and the resources of both the Court and the parties would be conserved by either: (a) a finding of validity and resulting estoppel under 35 U.S.C.A. § 315, potentially streamlining the issues for trial, or (b) a finding of invalidity, potentially eliminating the need for trial.

NOW, THEREFORE, to preserve judicial resources and party resources, the parties hereby stipulate and agree as follows, subject to approval by the Court:

The parties stipulate to stay this litigation pending resolution by the PTAB of the patentability of the challenged claim in the pending IPR, either via the denial of Institution, or via a Final Written Decision ("final determination of the IPR").

For clarity, the parties make no stipulation regarding the stay during any appeal arising from the IPR. The parties make no stipulation regarding any other post-grant review, reexam, or

other proceeding before the Patent Office or PTAB. However, this stipulation is without prejudice to a party's right to seek a continuation of the present stay or to seek a further stay.

Accordingly, the parties respectfully request that the Court enter an order staying all case deadlines, pending resolution of the IPR. Within two weeks of the resolution of the IPR, the parties will file a joint status report notifying the Court of the outcome, its impact on the case, and, if needed, respectfully request that the Court schedule a status conference so that the parties can file a new proposed Scheduling Order.

/s/ Jude A. Fry

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Attorneys for Defendant

Apple Inc.

IT IS SO ORDERED this _____ day of _____, 2019.

The Honorable Donald C. Nugent

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2018, a true and complete copy of the foregoing **STIPULATION AND ORDER TO STAY THE CASE PENDING RESOLUTION OF INTER PARTES REVIEW** was filed electronically with the Clerk of the Court in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Jude A. Fry
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